

Legislative innovations in times of crisis. The proposal for a new Italian law on territorial governance and the experimentation in the Marche Region

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Abstract

Within the current framework of territorial governance, new planning models are emerging, focused on urban regeneration, the reduction of soil consumption, and regulatory simplification. The legislative proposal put forward by INU and its implementation in the Marche Region represent a key step in the redefinition of Italian urban planning. These legislative instruments respond to the need to move beyond the traditional system and to address contemporary challenges, marking the beginning of a new phase oriented towards flexibility, sustainability, and the revitalisation of urban planning. This article reconstructs the historical, regulatory, and scientific development that led to the new proposal, examining the contributions that have emerged within the national and regional debate, and assessing the innovative scope of the Marche law as the first concrete experimentation of the INU model.

Keywords: territorial governance – urban planning – national reform – urban planning legislation – Marche Region;

1-Introduction

Through the reconstruction of a historical-critical account of the evolution of planning in Italy and of the main phases of territorial transformation, the aim is to highlight the discontinuities and persistences that continue to shape the institutional and planning framework of the country. This process culminates in the recent reform proposal, the “Law of Fundamental Principles and General Norms for Territorial Governance”, drafted by the National Institute of Urban Planning (INU) in 2024. The INU’s proposal has reactivated a significant area of reflection within the urban planning community, which, however, has never ceased to show concern for the need for a reform of territorial governance. Since 2022, a large part of the INU’s efforts has been devoted to a systematic in-depth process, carried out through publications, public discussions, and conferences, leading to the presentation of the draft law in the Senate in July 2024. These activities have contributed to rekindling—and to some extent consolidating—the debate within the field of urban planning on the urgency of a new national law.

In the current context of debate—marked by a widespread consensus on the obsolescence of Urban Planning Law No. 1150/1942—a consolidated practice has emerged among various Italian regions, aimed at updating their planning systems through autonomous regional legislation. In this scenario, the significant legislative development of the Marche Region has adopted a regulatory framework explicitly inspired by the proposal developed by the INU through Regional Law No. 19/2023¹. Rooted in the principles promoted by the Institute, the Marche law opens up a further and significant field of inquiry, while also representing the first testing ground for the concrete implementation of the contents and guidelines set out in the national proposal.

The current interpretation of the Italian framework—characterised by autonomous regional legislative initiatives and by a new national reform proposal—does not represent an isolated process, but rather fits within a broader European context. In this scenario, European policy has gradually embraced urban regeneration, within the wider framework of sustainability, as a structural paradigm of its strategy, recognising its central role in processes of cohesion and competitiveness. It is with the Toledo Declaration of 2010 that the concept of integrated urban regeneration was introduced, based on a multidimensional and cross-cutting approach.

¹ Regional Law No. 19 of 30 November 2023, Marche Region, Provisions on Planning for Territorial Governance.

Although it emerged in response to an economic and financial crisis affecting Europe, urban regeneration was proposed not only as a driver of development, but also as a tool to strengthen social cohesion and environmental sustainability (Giaino, 2025a).

While the issue of urban planning appears to have “disappeared from the horizon of both politics and society” (Brenna, 2021, p. 61), a scientific community has gradually built a complex and substantial wealth of knowledge. This extensive body of thought and material highlights the innovations that have taken place in the field of planning and critically examines the progressive marginalisation of the discipline within public, political, and social debate.

Alongside the well-established contribution of the broad community of urban planners and architects—who have long been engaged in developing new instruments for territorial governance, experimenting with innovative planning models, and analysing regional legislation aimed at moving beyond the framework of Law No. 1150/1942—a significant contribution has also come from the legal community. The latter has addressed major issues such as the reform of Title V2 of the Constitution and the current project for differentiated autonomy3 for the Regions. Today, however, its focus is increasingly directed towards urban regeneration, conceived as “a set of actions, if not a true function, through which to guarantee both the right to the city and the tools necessary for urban life” (Giusti, 2021, p. 441).

In today’s crisis scenario, marked by structural fragilities and ongoing uncertainties, the contribution evaluates the innovation within the ongoing debate both inside and outside the relevant scientific communities. It reflects on the role and potential revitalisation of urban planning within an institutional and social system undergoing profound transition.

2-Data And Methods

2.1 Methodology: Acquisition And Study Of Sources

For the definition of the state of the art and the reconstruction of the process that has accompanied the debate on territorial governance, the study began with an in-depth analysis of the two most recent regulatory references. These constitute the central core around which the proposal for a “*Law of fundamental principles and general rules for territorial governance and planning*,”4 developed by INU, revolves, alongside the regional law of Marche, LR No. 19/2023.

The examination of the two texts allowed for the identification of the conceptual pillars and the paradigms that support them, as well as for the detection of convergences. In particular, even in an initial review, it was possible to recognise significant structural and substantive affinities, including:

- the redesign of planning instruments, notably with the introduction of the General Urban Plan (PUG) as a municipal tool structured around three functions: structural, regulatory, and operational;
- the adoption of inter-institutional co-planning as a collaborative method aimed at ensuring coherence and simplification across different planning levels;
- the adoption of the principle of coherence as a methodological criterion for the vertical and horizontal integration of planning content, understood as a relationship of functionality, efficiency, effectiveness, compatibility, consistency, and absence of contradictions among the various components;
- a redefinition of the concept of infrastructure and services, moving beyond an exclusively quantitative interpretation to also include qualitative and performance-based criteria;
- the enhancement of public-private partnership in planning processes;

2 The reform of Title V, Part II, of the Italian Constitution, implemented through Constitutional Law No. 3 of 2001, established territorial governance as a matter of concurrent competence between the State and the Regions.

3 Law No. 86 of 26 June 2024, containing provisions for the implementation of differentiated autonomy for Regions with ordinary statute, pursuant to Article 116, third paragraph, of the Constitution.

4 The draft law of the National Institute of Urban Planning, presented to the Senate on 16 July 2024, aims to replace Law No. 1150 of 1942.

- the establishment of an integrated knowledge framework, conceived as a shared and dynamic territorial database, serving as a technical-operational tool for planning and interoperability between entities;
- a broader definition of the concepts of soil consumption reduction and urban regeneration, considered foundational principles of contemporary urban planning.

Following the analysis of the two most recent legislative references and their evident and declared interconnection, the investigation focused on an in-depth study of the materials constituting the current debate surrounding them. In particular, it was considered essential to examine the sources reflecting the process of constructing the reform proposal, as well as the reflections and experiments associated with it.

Following the analysis of the two regulatory references and their evident and declared interconnection, the investigation focused on an in-depth examination of the working materials and sources related to them, which contributed to the process of developing the reform proposal. A large portion of these materials originates from the INU scientific community, specifically from the journal *Urbanistica Informazioni*. This journal has played a fundamental role in documenting and spreading the debate since 2022, the year in which, following the Bologna Congress, INU formally initiated the process of drafting the new legislative proposal.

Through a systematic analysis of the issues published, it has been possible to reconstruct the structure of the reasoning that accompanied the process of defining the national proposal, as well as the main contributions that have increased the reflection on regional planning. This collection of materials represents the most significant knowledge base to identify the principal conceptual trajectories and to highlight the structural weaknesses of the current planning system. These contributions have made it possible to identify the unresolved challenges and priority issues that the draft law aims to address and overcome through a renewed regulatory framework, while simultaneously offering an interpretative key to the elements characterising both the INU text and the Marche regional law. In particular, the following themes emerge:

- the intention to confer unity upon the national planning system, at the threshold of a new urban planning era;
- the updated, broad, and detailed definition of the concept of territorial governance, in line with contemporary needs;
- the development of planning instruments capable of effectively integrating the principles of urban regeneration and the reduction of land consumption;
- the overcoming of the obsolete regulatory framework of Urban Planning Law No. 1150/1942 and of the hierarchical-vertical model of territorial governance generated;
- the repeal of Ministerial Decree 1444/1968, particularly with regard to the regulation of urban standards;
- the resolution of the predictive rigidities inherent in traditional General Urban Plans (PRG), in favour of more flexible and adaptive planning.

Having identified the main themes emerging from the debate and their regulatory translation in the two aforementioned references (the INU proposal and the regional law of Marche), a more extensive review of the literature was undertaken. This review aimed to reconstruct, through a retrospective method, the evolution of the process that led to the current configuration of the debate. The investigation was conducted by selecting specific keywords: i) some relating to broad themes and general issues ("planning," "regional planning," "territorial governance," "regional laws," "urban reform," "planning tools"); ii) others more specific and linked to the current concerns of contemporary debate ("urban regeneration," "combating soil consumption," "structural plan," "urban equalisation").

Among the identified materials, contributions published in the last 15–20 years were considered. The subsequent selection was carried out through a preliminary reading of the abstracts, aimed at verifying their relevance to the research objectives and ensuring thematic coherence with the interpretative lines that had emerged.

From the contributions thus filtered, open access texts deemed most significant for reconstructing the main developments of the debate and the conceptual challenges leading to the current phase of proposal and regulatory experimentation were further explored and analysed.

2.2 Summary And Discussion Of The Issues Emerging

The in-depth study conducted on materials pertaining to the first area of investigation (i), related to territorial governance and planning in a general sense, enabled the reconstruction of a broad and complex evolutionary framework. The selected contributions, often focusing also on the genesis and analysis of regional laws, proved fundamental for identifying the main chronological sequences and outlining the normative and conceptual transformations that have affected the national planning system. Simultaneously, the investigation carried out in the second area (ii), centred on specific topics emerging from the current debate and identified through targeted keywords, produced more sectoral contributions which, although limited in scope, proved essential for integrating and completing the general framework reconstructed in the first field of investigation. This, in turn, contributed to the definition of a coherent, multi-level interpretative system.

The analysis of the collected scientific contributions highlighted a close correspondence between the phases of intensification in the disciplinary debate and certain significant historical and institutional turning points that shaped its content and interpretative directions. In particular, it was possible to identify four main time periods, each characterised by specific thematic focuses:

- **2000-2005:** In this initial phase, the focus of scientific output was predominantly on the INU's 1995 legislative proposal, which introduced elements of discontinuity compared to the traditional framework and stimulated significant reflections on the future of territorial governance. The debate took place within the broader context of institutional reform processes, culminating in the reform of Title V of the Constitution (2001), which redefined territorial governance as a concurrent matter between the State and the Regions. This encouraged the Regions to initiate autonomous legislative processes, incorporating some of the innovations proposed by the INU.
- **2005-2015:** This decade is marked by an intense scientific output focused on the analysis of the first new-generation regional laws and the experimentation with the planning models derived from them, with particular reference to the municipal scale. The innovations introduced during this phase represent the initial concrete experiences of reform, constituting a break from the traditional regulatory framework. The differences that emerged in the various approaches adopted at the regional level gave rise to a plurality of planning models, which the scientific community has considered important to examine.
- **2015-2020:** In this phase, a progressive sectorialisation of scientific interest can be observed, with growing attention towards new planning paradigms: urban regeneration, the containment of land consumption, and urban equalisations. These themes are increasingly recognised as foundational to the so-called "fourth generation of urban planning". At the same time, the contribution of the legal community is gaining strength, initiating a structured reflection on the legal framing of these concepts and their systematic integration into the broader framework of territorial governance.
- **2020-2025:** The final identified time period is marked by a strong concentration of contributions attributable to the INU, following its commitment to draft a new national legislative proposal. The materials produced focus on the development of the fundamental principles of the reform, the analysis of the current system's critical issues, and the necessity to overcome its now obsolete legacies. During this period, visions oriented towards the comprehensive renewal of the regulatory framework are consolidated, increasingly clarifying the coordinates of the emerging new phase in urban planning.

Within the broader context of these publications, five main topics and research foci have been identified. These structure the following paragraphs with the aim of providing a critical synthesis of the state of the art:

- i) The origins of the reform: territorial governance between the State and the Regions, and the INU legislative proposal of 1995.
- ii) Initial reform experiences: regional models in Italy within the renewed planning system.
- iii) Urban regeneration and the fight against soil consumption: paradigms of fourth-generation urban planning.
- iv) Towards a new urban planning era? The contemporary scenario.
- v) The INU proposal within Regional Law Marche 19/2023.

5 A tool for the fair distribution of development rights among landowners involved in urban transformation, overcoming the strict divide between buildable and non-buildable areas. It allocates proportional rights even to unaffected properties, preventing disparities and supporting the creation of the public city. Today, it plays a key role in urban regeneration strategies.

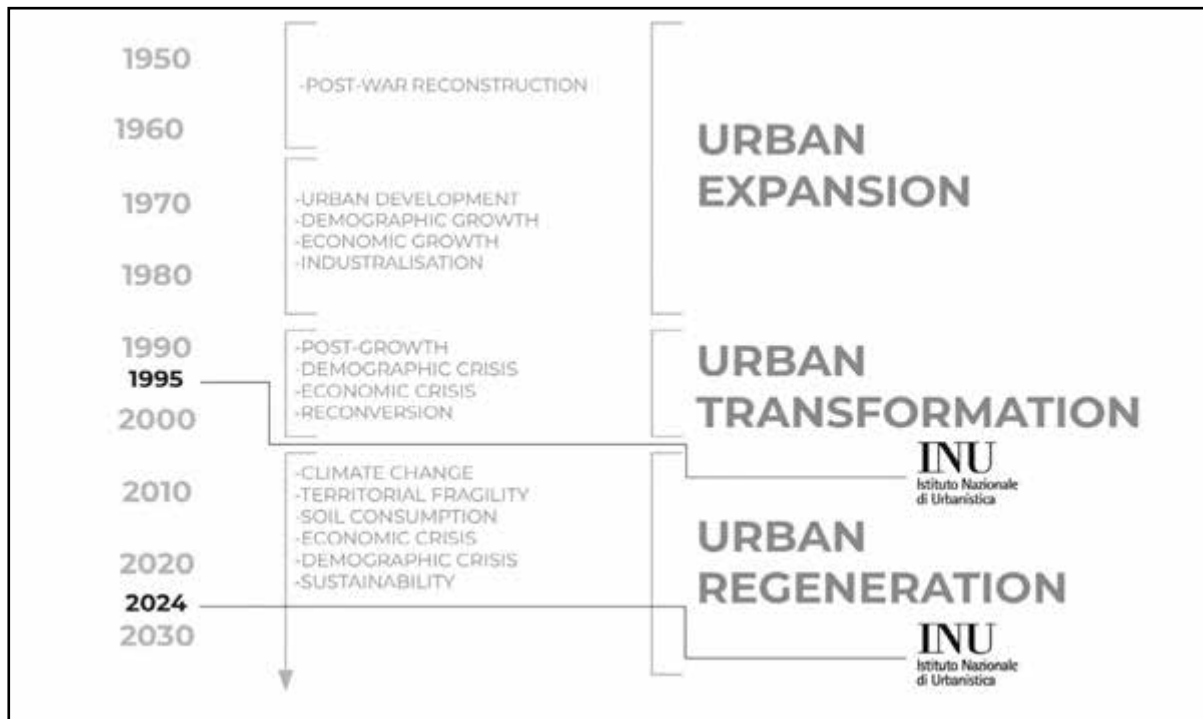


Fig.1 Main urban planning phases in the Italian context and the historical placement of the most significant INU reform proposals.

2.2.1- The origins of the reform: territorial governance between the State and the Regions, and the INU legislative proposal of 1995.

The 1990s mark a crucial turning point for territorial governance in Italy. This period is characterised by two main, parallel factors:

- The State's normative and institutional system, which expands the content of urban planning regulations and implements a gradual process of administrative decentralisation.
- A substantial shift in the needs and paradigms of urban planning, marked by a transition from "urban expansion" to "urban transformation."

Between 1970, the year of the establishment of the Regions⁶, and the 1990s, the first regional laws on urban planning were developed. These are defined as "first-generation" laws because they merely paraphrased the contents of Law no. 1150/1942, without altering its conceptual and hierarchical framework. In the 1990s, however, a second cycle of reform began, marked by the emergence of "second-generation" regional laws that started introducing the first innovations in urban planning. Two key national legislative milestones facilitated this process. On one hand, Law no. 142/1990 on local autonomies, which acted as a framework law for the organisation of territorial authorities, assigning a central role to the Province, understood as an intermediate level of coordination between Municipalities and the Region.

On the other hand, a package of environmental laws contributed to this process, including Law no. 431/1985 (the Galasso Law), which, beyond protecting areas of particular environmental interest, introduced landscape planning; and Laws no. 183/1989 and no. 394/1991, which established, respectively, basin authorities and national parks, providing for the creation of entities endowed with managerial autonomy and their own planning instruments.

It is clear that, as a result of these processes, both the content and the very form and nature of urban planning instruments have been expanded, "significantly broadening the scope of action of the Regions and local

⁶ D.P.R. January 15, 1972, No. 8, Article 1: The administrative functions exercised by the central and peripheral bodies of the State concerning urban planning are transferred, for the respective territories, to the ordinary statute Regions.

autonomies to the point of integrating, within the same instruments—both at the territorial and urban planning levels—provisions for the territory, provisions for the landscape, and provisions for the environment” (De Luca, 2015, p.7).

This regulatory process is accompanied by a broader shift in national socio-economic conditions. During this phase, a progressive crisis of the General Regulatory Plan (PRG) becomes apparent—an instrument introduced by Law No. 1150/1942, which had governed and managed the urban expansion of cities in the post-war period. Faced with a new scenario transitioning from a phase of expansion to one of transformation, the PRG “appeared inadequate to address the new situations emerging, such as the increasing availability of disused industrial areas for reuse, the opportunities for the reconversion of old railway zones, historic port systems, and large public services, which had become central in the urban context but now obsolete” (Oliva, 2012, p.136). Indeed, the PRG showed clear signs of ineffectiveness, proving insufficient to respond to emerging situations. Critical elements were partly due to its excessive predictive rigidity and strong prescriptive character, a result of zoning. At the same time, to meet the growing needs for urban transformation, the approach of “derogatory interventions” was established in those years.

This was introduced by laws that created Urban Recovery Programs (Programmi di Recupero Urbano, PRU) with Law No. 493/1993 and Urban Redevelopment and Sustainable Territorial Development Programs (Programmi di Riqualificazione Urbana e di Sviluppo Sostenibile del Territorio, PRUSST) (Ministerial Decree of 8 October 1998), following a logic where the project takes precedence over the plan.

Within a decade marked by significant institutional transformations and new territorial needs, the INU proposal of 1995 is situated. The main innovation of this proposal lies in the attempt to overcome the crisis of the PRG by proposing a new type of municipal plan structured into three distinct components:

- a structural component, which is a planning document of a non-binding and non-prescriptive nature, but aimed at defining the future layout of the city;
- a regulatory component, which deals with the management of the existing city;
- an operational component, of a binding and prescriptive nature, intended to manage the main transformations, with a temporal validity of five years.

Additional innovative elements concern the introduction of instruments such as urban equalization and compensation, designed to overcome the long-term difficulties associated with expropriation. These tools are conceived with the aim of acquiring areas intended for public use through the attribution of building rights that can be freely traded.

The INU proposal was immediately embraced by the Tuscany Region, which, through Regional Law No. 5/1995, introduced the structural component within municipal planning. In doing so, Tuscany paved the way for subsequent regulatory developments in other regions, within a future landscape of differentiated regional models—a process that would become fully evident with the amendment to Title V of the Constitution in 2001.

2.2.2 Initial reform experiences: regional models in Italy within the renewed planning system

The reform in 2001, which marked the culmination of a process of administrative decentralisation initiated in previous years, represented a turning point for the Regions in matters of spatial planning. Within this new institutional framework, several Regions launched innovative legislative initiatives, effectively becoming the first experimental field. On the other hand, it can be observed that the constitutional reform itself proved to be of limited practical relevance. Rather, it served to legitimise innovation processes that were already underway (De Petris & Stefani, 2005). The regulatory experiences initiated during this phase are commonly classified as belonging to the “third generation” and played a central role—as well as serving as a testing ground—in the urban planning debate between 2005 and 2015. They were particularly significant for analysing the differences and similarities between regional models and the first observable effects on the territory.

The main feature shared by the new regional legislations is a common intent to revise the municipal urban plan according to new criteria of innovation and flexibility. Based on this need, the Regions, through their renewed

7 Regional Law of 16 January 1995, No. 5, Region of Tuscany, Provisions for Territorial Governance.

regulatory frameworks, gave rise to two main reference models: the Tuscan model and the Lombard model. The Tuscan model (initiated with Regional Law No. 5/1995 and revised by Regional Law No. 1/2005⁸), characterised by a primacy of public authority in the field of urban and territorial transformations (De Luca, 2015), introduced an internal distinction within the municipal urban plan between a structural component—which includes general development guidelines and medium- to long-term strategic choices—and an operational component—which implements structural objectives by addressing the actionable operational contents and detailing specific transformations (Cappelletti, 2012). This model, to which Emilia-Romagna largely adheres, identifies the Structural Plan as the main hallmark of regulatory evolution. It also includes an initial attempt to address land consumption through a policy whereby “new land commitments for settlement and infrastructure purposes are permitted only if there are no alternatives for the reuse and reorganisation of existing settlements and infrastructures⁹.”

By contrast, Lombardy (Regional Law No. 12/2005¹⁰) adopts a regulatory framework that diverges from the structural/operational logic. Instead, it bases the municipal plan on a strategic-political planning document, in which urban transformation areas are identified without establishing rigid quantitative rules or altering the legal status of land.

From this document, the process moves directly to the implementation plans, which enjoy a high degree of flexibility and are assessed on a case-by-case basis by the Regional Executive, without requiring approval by the Municipal Council (Cappelletti, 2012).

In this context, it is important to emphasise that, despite the reformist momentum demonstrated by certain Regions, a national framework law on territorial governance has never been enacted. This absence has contributed to the consolidation of a highly heterogeneous dynamic among the various regional systems. The failure to approve a framework law has led to what has been described as a form of “runaway urban federalism” (Oliva, 2012, p. 89), in which the lack of a unified national direction has fuelled regulatory fragmentation, thereby preventing the development of a coherent and shared vision for reforming the national planning system.

Within the context of the first reformist wave, there was also an initial attempt to introduce a national reform of territorial governance through a framework law. This was Bill No. 3519 Mantini & Lupi, approved by the Chamber of Deputies on 28 June 2005 but never enacted into law due to the end of the legislature and the consequent failure to obtain approval from the Senate. The draft law essentially adopted the Lombard planning model but sparked extensive debate and received opposition from much of the urban planning scientific community, including INU. In particular, the law would have unjustifiably introduced numerous specific deregulation procedures, which implicitly reflected a project aimed at dismantling public territorial governance (Magnaghi & Marson, 2005).

2.2.3 Urban regeneration and the fight against soil consumption: paradigms of fourth-generation urban planning

With the conclusion of the era of so-called “third-generation” laws, the last decade has been characterised by a renewed debate surrounding planning, driven by the emergence of new socio-economic demands within the country as well as new requirements in urban planning. Among the central issues, the need to contain soil consumption has increasingly asserted itself with urgency, closely linked to the demand for the redevelopment of the existing built environment. During this phase, urban planning consolidates a paradigm shift that had already begun, also guiding new regional policies.

Although urban regeneration has become a central paradigm of a new phase in urban planning, it lacks a consolidated definition due to the complexity and multiplicity of the contexts in which it can be applied. This difficulty stems from the heterogeneous nature of the interventions encompassed by this category and the heightened interest in transversal topics, ranging from the broader issue of territorial governance to the sphere of individual rights (Giusti, 2018).

8 Regional Law of 3 January 2005, No. 1, Region of Tuscany, Provisions for Territorial Governance.

9 Article 3, paragraph 4, Regional Law 1/2005, Region of Tuscany. In Article 3, “The Essential Resources of the Territory,” this law promotes and guarantees the protection of the essential resources of the territory as common goods that constitute the heritage of the community.

10 Regional Law of 11 March 2005, No. 12, Region of Lombardy, Law on Territorial Governance.

The regional experiences of the last decade have served as the initial field of observation to verify whether urban regeneration and the related objective of containing soil consumption found expression in a shared regulatory lexicon, sufficient to legitimise the hypothesis of a fourth generation of urban planning laws.

In the absence of a national framework law, regional experiences present a diverse landscape. However, an initial survey reveals recurring elements, such as the direct correlation between urban regeneration and the containment of soil consumption. There is also a well-established distinction between regeneration—which refers to a cluster of models and techniques integrated with actions on the social front (urban welfare) and environmental front (remediation, renaturalisation, etc.)—and redevelopment, which concerns individual building elements (Boscolo, 2017).

Among the most significant regional models to emerge in this phase are those of Tuscany (Regional Law 65/2014¹¹) and Veneto (Regional Law 14/2017¹²). In both cases, the areas subject to urban regeneration interventions are identified within the operational component of their respective planning instruments: the Operational Plan in Tuscany and the Intervention Plan in Veneto.

Also noteworthy is the experience of Emilia-Romagna (Regional Law 24/2017¹³), which partially diverges from this approach. Although it does not explicitly define specific areas or detailed prescriptions for urban regeneration¹⁴, the law establishes, within the General Urban Plan (PUG), the criteria for urban expansion—permitted up to a limit of 3% of the urbanised territory¹⁵—and for significant transformations within the urban boundary, to be assessed through operational agreements.

The challenges posed by urban regeneration reflect a broader crisis within urban planning, largely due to its excessive prescriptiveness. The debate and the so-called fourth-generation laws thus initiate a new approach aimed at rethinking the entire discipline, promoting a more active, interactive, and strategic form of planning (Dipace, 2014). This latter approach is reaffirmed as the guiding logic within which the municipal plan must operate, in light of new needs—not seeking to interpret the future through rigid prescriptions that immobilise situations, but rather adopting greater flexibility and directives capable of facilitating public-private agreements (Urbani, 2017).

2.2.4 Towards a new urban planning era? The contemporary scenario

Urban planning can draw upon a vast body of past experience and is currently facing a historically significant transition in light of new contemporary challenges. The path initiated by the “fourth generation” laws, focused on urban regeneration and combating land consumption, now encounters new factors of relevance that further influence its evolution. Events such as the Covid-19 pandemic, geopolitical instability, increasing international conflicts, and the climate emergency have profoundly affected society and the political landscape. This series of events has deeply impacted the country's socio-economic stability, reflecting in territorial governance as a growing crisis of predictive capacity. The speed at which contemporary dynamics unfold, alongside the urgency to accelerate public policy responses, has progressively weakened the role of planning as an instrument capable of envisaging and guiding the future scenarios of communities and territories (Gaiamo, 2025b). As a consequence, there is significant disorientation and a profound crisis of public and institutional legitimacy, expressed through the increasing marginalisation from decision-making processes.

Alongside the development of the new regulatory framework, a renewed recognition of the central role of the plan has emerged, notably during the most recent INU Congress held in May 2025 with the theme “The Useful Plan.” The plan is conceived as the instrument that must address current crises and evolve in response to

11 Regional Law of 10 November 2014, No. 65, Region of Tuscany, Provisions for Territorial Governance.

12 Regional Law of 6 June 2017, No. 14, Region of Veneto, containing provisions for the containment of soil consumption and amendments to Regional Law of 23 April 2004, No. 11, “Provisions for Territorial Governance and Landscape Matters.”

13 Regional Law of 21 December 2017, No. 24, Region of Emilia-Romagna, Regional Regulation on the Protection and Use of Soil.

14 As provided by Article 33 of Regional Law 24/2017 of Emilia-Romagna, “the General Urban Plan (PUG) may not establish the building capacity, including potential capacity, of areas within the urbanised territory, nor may it set out detailed regulations for interventions whose implementation is subject to an operational agreement or a public initiative implementation plan.”

15 As stipulated by Article 6 of Regional Law 24/2017 of Emilia-Romagna, “territorial and urban planning may provide, for the entire period, for a total soil consumption not exceeding the maximum limit of 3 percent of the surface area of the urbanised territory.”

changing economic, social, and environmental conditions. In a scenario characterised by a gradual decline in the resident population, the obsolescence of the building stock, and the growing need to respond to the effects of climate change, the urban plan is called upon to interpret the demands of urban regeneration in relation to the specificities of each context, while simultaneously outlining the contributions that public and private actors can offer to the transformation process (Stanghellini, 2025).

Essentially, the contemporary debate recognises the shortcomings of the urban plan in its predictive function. It is now widely accepted that the plan should no longer be based on forecasts but should be conceived as an innovative tool for the discipline itself. It must respond flexibly and adaptively to ongoing transformations, enabling decision-making that remains coherent with changing conditions.

2.2.4.1 The INU proposal within Marche Regional Law 19/2023

The proposed “Law of Principles for Territorial Governance” promoted by INU represents a definitive overcoming of the legacies of past urban planning. In parallel, the Regional Law of Marche No. 19/2023 marks a comprehensive and profound change in its regulatory framework, clearly departing from a legislative model considered among the most canonical and faithful to the structure of Law No. 1150/1942.

The INU proposal, which aims to establish a unified framework in response to excessive regional fragmentation, begins by adopting the notion of territorial governance as a “broad set of interrelated functions¹⁶,” and is based on a series of innovative principles and concepts, such as:

- i) urban and territorial regeneration and the fight against soil consumption are identified as central and cross-cutting objectives of territorial governance¹⁷. The aim is to overcome the traditional concept linking planning to urban expansion by adopting a paradigm shift that positions regeneration as part of a circular economy.
- ii) A redesign of competences in territorial governance is proposed within a multilevel framework based on co-planning and participation, in which: a) the State assumes a strategic role and outlines development objectives consistent with those of the EU; b) the Regions adopt principles according to specific territorial needs; c) Municipalities, Provinces, Metropolitan Cities, and Unions plan territorial arrangements and define sustainable development strategies within their respective competences¹⁸. The objective is to overcome fragmentation and the lack of coordination among the different levels of territorial governance.
- iii) The method of Interinstitutional Co-planning¹⁹ is proposed as a multilevel horizontal governance approach to be implemented through Interinstitutional Conferences. Simultaneously, the planning instruments and the respective roles of Regions, metropolitan areas, provinces, and municipalities are redefined²⁰. The objectives are to overcome the traditional planning system based on hierarchical conformity and the “cascade” model of plans under Law 1150/42, aiming instead for a collaborative and integrated method.
- iv) A new model of municipal urban planning is proposed through the General Urban Plan (PUG)²¹, structured into three functions: a) structural-strategic component (objectives, strategies, and future configuration of the city, non-prescriptive); b) regulatory component (management and regulation of the existing city and consolidated areas, assigning building rights); c) operational component (relating to areas of transformation, to be implemented through agreements between public and private initiatives).

The objective is to abandon the vision of the plan as a static and purely prescriptive instrument, adopting instead a dynamic, flexible, and continuously updated approach.

v) Planning centred on the principle of coherence²², understood in terms of efficiency, compatibility, consistency,

¹⁶ Definition provided in Article 1, “Scope of Application and Notion of Territorial Governance”, of the draft law.

¹⁷ Draft Law, Title II: Fundamental Principles and Objectives of Territorial Governance. Article 2: Fundamental Principles and Objectives - Article 3: Territorial and Urban Regeneration - Article 4: Delegation in Matters of Urban Regeneration - Article 5: Containment of Soil Consumption and Territorial Risk Mitigation.

¹⁸ Draft Bill, Title III: Actors, Competences, Levels, and Functions of Territorial Governance. Article 6 Duties and Functions of the State - Article 7 Duties and Functions of the Regions - Article 8 Duties and Functions of Local Territorial Entities.

¹⁹ Article 10 – Co-Planning and Interinstitutional Evaluation.

²⁰ Article 12 – Instruments of Territorial Planning.

²¹ Article 14 – Functions and Instruments of Urban Planning.

²² The principle of coherence is reiterated throughout the entire legislative proposal, particularly regarding the relationship between the different levels of planning. Its clearest articulation is found in Article 14, where it is presented as a criterion aimed at avoiding the systematic recourse to amendments: “In application of the principle of coherence and

and the absence of contradictions between plans and plan functions. The objective is to plan effectively in uncertain contexts and to overcome the rigid, prescriptive, and all-encompassing nature of traditional plans, promoting adaptability in place of strict "conformity" and the frequent recourse to variations.

vi) Introduction of Essential Levels of Performance (LEP)²³ for urban standards, with uniform quantitative and qualitative criteria for public facilities and services across the entire national territory. The objective is to overcome the concept of urban standards derived from Ministerial Decree 1444/68 and the resulting fragmentation and heterogeneity of current standards, ensuring not only quantitative but also qualitative levels.

vii) Introduction of urban and territorial equalisation as tools to encourage regeneration, allow the free transfer of land for public facilities, and increase the flexibility of the plan²⁴. The objective is to overcome the rigidity of traditional urban planning instruments in order to promote regeneration policies.

Regional Law No. 19/2023 of the Marche Region currently represents the most comprehensive normative expression at the regional level of the proposal developed by INU. The foundational principles of the proposal, articulated across various articles, find direct reflection both in the general structure and in the specific provisions of the new Marche urban planning law. The Marche Region was previously governed by Regional Law No. 34/1992²⁵, which can be classified as a "second-generation" law model, primarily focused on control but also on supporting urban expansion. This was adopted during a phase of building growth and territorial transformation that lasted until the crisis of 2008–2010. In this context, the new normative framework places the Region, for the first time, in front of the challenges of planning that must offer a vision of the territory not only as a space for construction, but as a complex ecosystem in which sustainability, environmental coherence, resilience to climate change, and quality of life prevail (Centanni, Vitali & Veschi, 2025).

It is important to highlight that the innovativeness of the Marche regional regulation lies not only in its alignment with the principles of the INU proposal but also in the introduction of elements that represent a discontinuity with respect to the previous regional regulatory framework. In particular, the law incorporates and updates those reform initiatives that have already been tested by other regions within the framework of the so-called "fourth generation" laws, outlining a more advanced and effective model of territorial governance.

the principle of simplification, amendments are limited to cases where they are not consistent with the objectives and the structural-strategic contents of the General Urban Plan" (Article 14, paragraph 12).

²³ Article 17 – Minimum and Non-Derogable Urban and Territorial Provisions.

²⁴ Article 18, "Urban and territorial equalisation, compensations, and incentives".

²⁵ Regional Law of 5 August 1992, No. 34, Marche Region, Regulations on urban planning, landscape, and territorial organisation.

THE TEN PILLARS OF REGIONAL LAW NO. 19/2023



1-Territorial planning of the Region:

A Regional Territorial Plan (PTR) and a Landscape Plan (PPR); measures to counter land consumption.

2-New structure of the plan and the principle of coherence in urban planning:

The General Urban Plan (PUG), its functions and components (Structural and Regulatory).

3-Interinstitutional Planning Conferences and Environmental Assessment (VAS):

Co-Planning and Interinstitutional Environmental Assessment Conference (CeVI) for the drafting/approval of the plan.

4-Operational Function, Operational Agreements and Executive Urban Plans.

5-Urban Equalisation and Territorial Equalisation.

6-The Public City and Local and Territorial Urban Standards.

7-Urban Regeneration (building redevelopment and urban planning regeneration) and Territorial Regeneration.

8-Incentives and compensation measures for urban regeneration.

9-Implementation and data sharing of information held by Public Authorities.

10-Transitional arrangements, repeals, and coordination of existing regional legislation.

Fig.2 The Pillars of Regional Law No.19/2023. Reworking by Pierpaolo Cicconi of an image from the presentation by the Marche Region entitled *"THE NEW REGIONAL LAW ON TERRITORIAL GOVERNANCE. Regional Law No. 19/2023 – Planning Provisions for Territorial Governance. First implementation"*, held in Civitanova Marche (MC) on 4 May 2024.

A significant element is represented by the comprehensive redesign of the planning instruments system²⁶, which is profoundly reorganised from the regional to the municipal level. While the previous legislation was based on a hierarchical-vertical structure, with a descending sequence of plans – from the Regional Environmental and Landscape Plan (PPAR, approved in 1989), to the Provincial Coordination Territorial Plans (PTCP), and finally to the municipal General Regulatory Plans (PRG) – following a logic of adjustment and conformity, the new law introduces a framework founded on principles of coherence and joint planning.

At regional level, two main instruments have been introduced and reformulated:

- **The Regional Landscape Plan (PPR)**²⁷, which must be prepared in accordance with the European Landscape Convention (2001) and in compliance with the Cultural Heritage and Landscape Code (Legislative Decree 42/2004). The Regional Landscape Plan (PPR) is responsible for identifying the landscape systems and the elements deserving protection, defining and delimiting the landscape areas, and establishing specific usage regulations for each of them.
- **The Regional Territorial Plan (PTR)**²⁸, introduced anew with a structural and strategic function, it defines the general guidelines, medium- to long-term strategies, and objectives for the sustainable development of the regional territory. It constitutes the framework of reference for economic planning and for the integration of regional sectoral policies.

At provincial level, the central role of the **Provincial Coordination Territorial Plan (PTCP)**²⁹ is maintained, serving as an intermediate instrument between regional and municipal planning. The PTCP defines strategic objectives, spatial frameworks, and development guidelines for the provincial territory, with a view to ensuring multi-level coherence and inter-institutional coordination.

²⁶ The new structure of the planning instruments is defined in Article 3, "Planning Instruments," of LR 19/2023.

²⁷ Article 8 of Regional Law 19/2023 (LR 19/2023, art. 8).

²⁸ Article 10 of Regional Law 19/2023 (LR 19/2023, art.10).

²⁹ Article 12 of Regional Law (LR 19/2023, art.12).

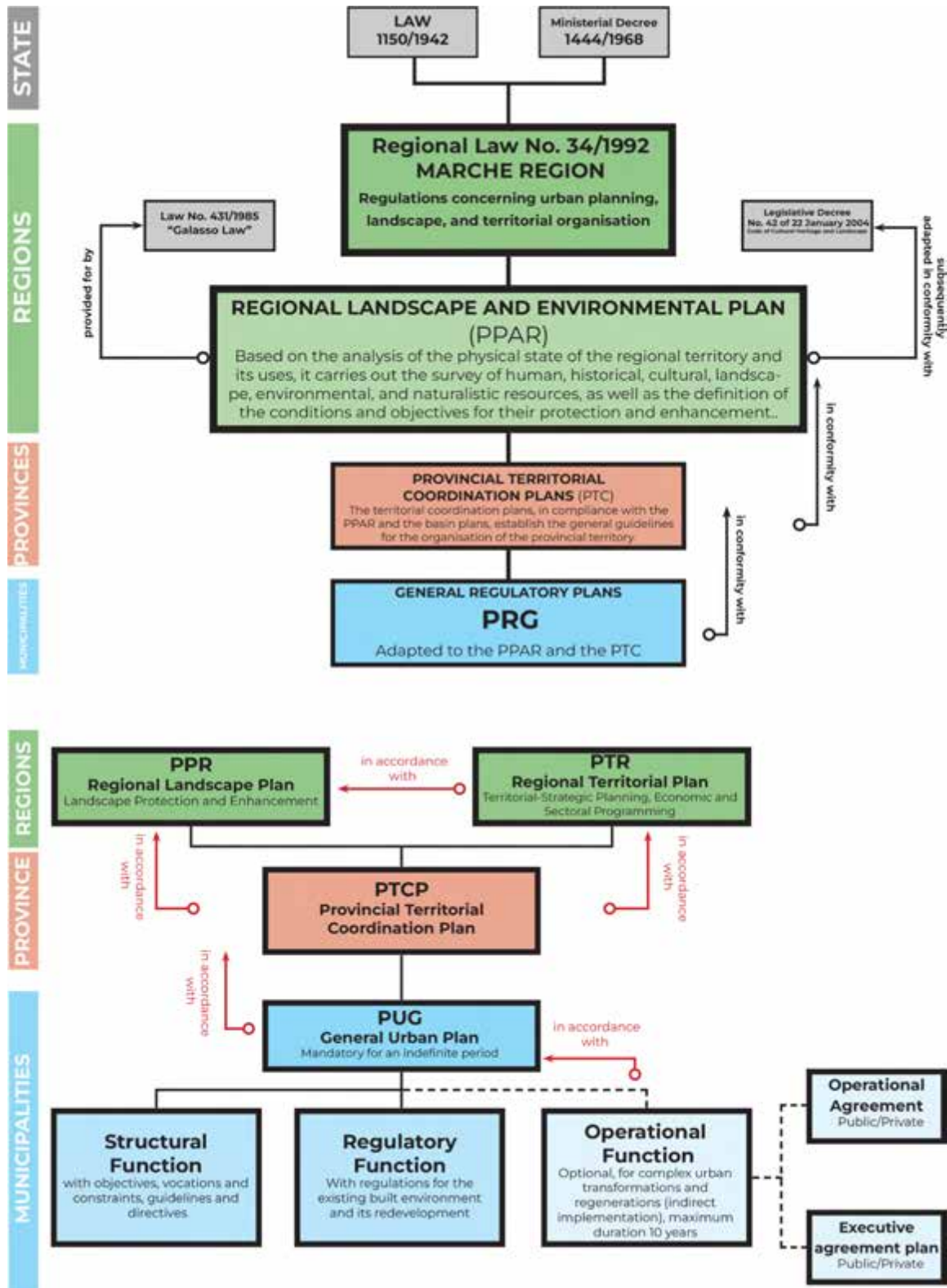


Fig.3 Comparison between the previous hierarchical-vertical model of territorial governance (above), established by Regional Law 34/1992, and the new "horizontal" model of planning instruments (below).

At municipal level, Regional Law no. 19/2023 introduces a new general planning instrument: the **General Urban Plan (PUG)**³⁰, which represents the focus of municipal planning actions in accordance with the principles of sustainability, regeneration, and containment of soil consumption. The PUG is structured into **three functional components**, each with a specific role in the territorial governance process:

- **Structural component: performative and strategic** in nature, it serves as a guiding and orienting tool for territorial transformations over the long term. It does not grant building rights but it outlines the strategic vision of the municipal territory, translating general sustainable development objectives into expected outcomes in terms of landscape, environmental, socio-economic, and cultural performance. It establishes the distinction between urbanised territory and rural or agricultural land, guiding decisions towards **urban and territorial regeneration**, resource enhancement, and the **containment of soil consumption**.
- **Regulatory component:** it concerns areas not subject to complex urban transformations, such as **agricultural zones, natural areas, parts of the existing settlement system, and consolidated infrastructural networks**. It establishes the urban and building regulations governing permissible interventions in these areas, determining **building rights** and thus allowing implementation through **direct intervention**.
- **Operational function:** it is aimed at the planning and implementation of complex urban regeneration and territorial regeneration interventions, in line with the choices set out in the structural component. It constitutes the implementing part of the strategies of the General Urban Plan (PUG) and is carried out through **Executive Urban Plans (PUE)** and **Programme Agreements (AO)**, initiated by **public and/or private actors**.

The law assigns a strategic role to **urban regeneration**³¹, defining it as the set of interventions—both on buildings and on public and private spaces—aimed at the recovery and redevelopment of existing areas through operations such as demolition and reconstruction, new construction, and densification, with the objective of **raising environmental, architectural, and functional quality standards**.

The regulation also introduces a significant and potentially effective distinction between two levels of intervention, which has already emerged in other advanced regional experiences and in the scientific debate:

- **Building rehabilitation:** falling within the **regulatory** component of the General Urban Plan (PUG), it includes operations such as reuse, renovation with extension, demolition and reconstruction with extension, and building replacement. These interventions aim to improve the **seismic, energy, hygienic-sanitary, and environmental performance** of the existing building stock.
- **Urban regeneration:** pertaining instead to the **operational** component of the PUG, it qualifies as a process of **complex and integrated** transformation of marginal, degraded, or disused urban areas. This process is implemented through **Programme Agreements** and **Executive Urban Plans**, promoted by public and/or private entities.

For such interventions, the law introduces a further element of innovation through the explicit recognition of **urban equalization**³² as a technical-operational tool, functional to the implementation of the objectives of territorial transformation and redevelopment.

³⁰ As established by Article 14, "Municipal urban planning is exercised through acts with structural and strategic-forecasting, regulatory, and operational functions."

³¹ According to Article 25, paragraph 1 of Law no. 19/2023, "The planning instruments referred to in this law are primarily aimed at urban and territorial regeneration, as an integrated mode of territorial governance to counter soil consumption, to redevelop existing settlement and infrastructure systems, and to eliminate situations of degradation."

³² According to Article 20 of Law no. 19/2023, urban equalization, in addition to being a preferred tool for urban regeneration operations, becomes an operational technique aimed at avoiding disparities in treatment between real estate properties and at ensuring the development and enhancement of the public city.

Finally, with regard to soil consumption, the law provides a precise definition as “a change from a non-artificial land cover to an artificial land cover,” allowing for a further distinction into:

- **Consumed soil**, expressed as an absolute quantity;
- **Degree of artificialization**, expressed as a percentage of the total territorial surface area.

The approach adopted by the law is aimed at achieving a **zero soil consumption balance** through the introduction of **mandatory compensatory measures**. These measures are to be implemented in cases of new soil sealing and include interventions such as **renaturalisation, soil de-sealing, and ecological restoration**.

The operational implementation of these objectives is entrusted to the **Regional Territorial Plan (PTR)**, which is tasked with defining **criteria, guidelines, and qualitative and quantitative parameters** to monitor and regulate the impact of transformative interventions on soil consumption.

3. Conclusions

The research has highlighted the growing and consolidated perception of a discipline in structural and identity crisis, caught between, on the one hand, a regulatory framework regarded as excessively restrictive, bureaucratic, and prescriptive; and, on the other, an increasing demand for greater flexibility, adaptability, and promptness in territorial governance processes. Within this context—often amplified by reductive and overly simplified narratives, at times populist or technocratic—urban planning is frequently accused of being an obstacle rather than a resource.

However, a fundamental element is often overlooked: the intrinsic complexity of urban planning, which cannot be reduced to a mere technical tool, but must be understood as a political, strategic, and cultural practice of territorial design. Hence the need—repeatedly emphasised in recent debate—for a reformulation of the discipline not only in operational terms but also in conceptual ones, so that it may acknowledge its multidimensional, interdisciplinary and complex nature, without resorting to excuses or justifications.

From this perspective, it is legitimate to ask whether the current crisis is attributable solely to internal limitations of the discipline, or rather to external factors: economic stagnation, demographic decline, and the changing dynamics of settlement and production. It is, therefore, also a contextual crisis, which imposes objective constraints on the effectiveness of planning instruments and their capacity to guide territorial transformations in accordance with the objectives of equity, sustainability, and resilience.

It is within this context that the new regulatory phase must be interpreted, as represented by the INU's legislative proposal and, concretely, by Regional Law no. 19/2023 of the Marche Region. Both aim to radically redefine the system of planning instruments, particularly at the municipal scale. As highlighted by the central themes addressed in the present work, the debate has been most intensely focused on the form and function of the municipal plan—particularly on the need to move beyond the traditional rigid framework and to introduce more performance-based, integrated, and strategic models, which have already been tested by many Regions over the past two decades.

This element, amplified by the INU's own initiative regarding the “Useful Plan,” which seeks to reflect on the meaning, function, and effectiveness of urban planning today, raises significant questions: Why is urban planning considered to be in crisis today, if many Regions have long adopted advanced models? Why do the INU proposal and the Marche law resume certain well-established solutions? And finally, why does the three-function plan model (structural, regulatory, operational) continue to be proposed, despite already being widespread and consolidated in various regional experiences?

Are the currently proposed regulatory and methodological innovations (which the debate continues to define as such) genuinely innovative, or do they instead represent an attempt to reiterate already established solutions, without managing to address the systemic limitations afflicting the discipline? In other words, is there a risk of falling into a condition of self-referentiality and operational ineffectiveness, not due to intrinsic shortcomings, but because of the inability to influence processes of economic, social, and territorial crisis that lie beyond its scope of action? At this point, the task of the discipline is not only to formally reinvent itself but also to legitimize

its role as the orchestrator of territorial transformations, demonstrating the capacity to confront contemporary challenges and the uncertainties of our time.

References

- Boscolo, Emanuele (2017) La riqualificazione urbana: una lettura giuridica. *Working papers urban@it*, (1), pp.1-9.
- Brenna, Sergio (2021) La scomparsa della questione urbanistica. *Città bene comune 2020, oltre il buio dell'urbanistica*, pp. 50-61.
- Cappelletti, Elisa (2012) Il dimensionamento negli strumenti urbanistici: una ricognizione sulle leggi regionali di governo del territorio e su direttive e regolamenti, *Il governo del consumo di territorio, Territori*, (16), pp.75-81.
- Centanni, C., Vitali, G., & Veschi, V. (2025) "Norme per il governo del territorio": la nuova Lr 19/2023. *Urbanistica Informazioni*, (320), pp. 65-67.
- De Luca, Giuseppe (2015) Tre generazioni di leggi regionali, dai piani a cascata, al modello toscano, al dualismo Toscana-Lombardia. *EDILIZIA E TERRITORIO*, (12), pp.6-9.
- De Petris, D., & Stefani, E. (2005) La legislazione regionale in materia di governo del territorio dopo la riforma costituzionale del 2001, *Le Regioni*, (5), pp-811-840.
- Dipace, Ruggiero (2014) La rigenerazione urbana tra programmazione e pianificazione. *Rivista giuridica dell'edilizia*, (5), pp.237-260.
- Gaiimo, Carolina (2025a) Tra parole stanche e disordine normativo. *Urbanistica Informazioni*, (319), pp. 5-8.
- Gaiimo, Carolina (2025b) Verso una pianificazione utile: riflessioni critiche e prospettive dal XXXII Congresso Inu 2025. *Urbanistica Informazioni*, (320), pp. 5-6.
- Giusti, Annalisa (2018) Alle origini della rigenerazione urbana, dal recupero alla rigenerazione urbana nell'esperienza dell'urbanistica per programmi. In Giusti, A. (eds) *La rigenerazione urbana; Temi, questioni e approcci nell'urbanistica di nuova generazione*. Napoli, Editoriale scientifica.
- Giusti, Annalisa (2021) La rigenerazione urbana tra consolidamento dei paradigmi e nuove contingenze. *Diritto amministrativo*, (2), pp.439-473.
- Magnaghi, A., & Marson, A. (2005) I contenuti più nefasti della legge Lupi. In Gibelli, M.C. (eds) *La controriforma urbanistica*. Firenze, Alinea Editrice.
- Oliva, Federico (2012) Semplificare la pianificazione, cambiare il piano, *Urbanistica Informazioni*, (149), pp.89-99.
- Oliva, Federico (2015) L'urbanistica italiana tra riforma e controriforma, *Ciudades*, (18), pp.127-142.
- Stanghellini, Stefano (2025) Tra critica e proposta: l'utilità del piano per una rigenerazione equa e sostenibile. *Urbanistica Informazioni*, (320), p.7.
- Urbani, Paolo (2017) La rigenerazione urbana: la posizione del giurista. *Rigenerazione urbana e mercato immobiliare*, pp.52-59.